



NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 20755-6000

FOIA Case: 83930B
21 June 2017

BRETT KAUFMAN
AMERICAN CIVIL LIBERTIES UNION FOUNDATION
125 BROAD ST 18TH FL
NEW YORK NY 10004

Dear Mr. Kaufman:

As agreed in the 4 November 2016 Joint Proposed Scheduling Order, this partially responds to your Freedom of Information Act (FOIA) request for the following items:

- (1) Policies, standards, and guidance related to prepublication review;
- (2) Final legal analyses of past, present, or proposed prepublication-review requirements;
- (3) Statistics relating to prepublication review, including but not limited to information documenting the total numbers of individuals who have submitted works for review, the total number of works submitted for review, the total number of submissions approved without change, the total number of submissions returned with proposed redactions or other modifications, the total number of pending submissions, and the duration of prepublication review processes;
- (4) Titles, subject matters, dates of works submitted for prepublication review, [and outcomes of the prepublication review process.] (This prong can be satisfied with either of two subcategories of documents: (1) charts or summary documents or (2) final decisions of officials conducting prepublication reviews. Subcategory (1) is preferable and, if produced, alleviates the need to produce records in category (2).);
and
- (5) Information about enforcement proceedings instituted or contemplated on the basis of violations of prepublication review requirements, including breach-of-contract actions, agency administrative proceedings, and civil or criminal litigation.

As provided in our initial response to you, dated 17 March 2016, your request was assigned case number 83930.

The letter to you dated 2 February 2017 included a partial response to your initial request. In that response to you, we provided you with 15 documents. We continued to process your request under the FOIA and now provide 6 responsive documents.

- Four documents (Document IDs #6583329, #6583330, #6583331, #6583333) enumerate pre-publication reviews submitted from January 1, 2009 through March 3, 2016 that were conducted by the Information Security Policy office.
- One document (Document ID # 6583332) enumerates pre-publication reviews submitted through March 3, 2016 that were conducted by the Information Assurance Directorate.
- One document (Document ID #6583327) responds to the first part of your request but was not available to be included with the first set of documents released to you.

Certain information has been deleted from the enclosures.

This Agency is authorized by statute to protect certain information concerning its activities as well as the names of its employees. Such information is exempt from disclosure pursuant to the third exemption of the FOIA, which provides for the withholding of information specifically protected from disclosure by statute. The specific statute applicable in this case is Section 6, Public Law 86-36 (50 U.S. Code 3605). We have determined that such information exists in these documents and we have deleted it accordingly.

Some of the information deleted from the documents was found to be currently and properly classified in accordance with Executive Order 13526. This information meets the criteria for classification as set forth in (c) of Section 1.4 and remains classified SECRET as provided in Section 1.2 of the Executive Order. The information is classified because its disclosure could reasonably be expected to cause serious harm to the national security. Because the information is currently and properly classified, it is exempt from disclosure pursuant to the first exemption of the FOIA (5 U.S.C. Section 552(b)(1)).

In addition, personal information regarding individuals has been deleted from the enclosures in accordance with 5 U.S.C. 552 (b)(6). This exemption protects from disclosure information that would constitute a clearly unwarranted invasion of personal privacy. In balancing the public interest for the information you request against the privacy interests involved, we have determined that the privacy interests sufficiently satisfy the requirements for the application of the (b)(6) exemption.

Some of the withheld information is also annotated with "OGA" and "CIA". These markings represent information that has been protected on behalf of the Central Intelligence Agency.

Please be advised that we continue to work on your request and the review of additional documents responsive to your request continues; they will be provided to you as they are completed.

Sincerely,

Paul R
for
JOHN R. CHAPMAN
Chief, FOIA/PA Office
NSA Initial Denial Authority

Encls:

a/s